

TRYING THE BANDIT.

Introduction of Evidence for the Defense in the Train Robber's Case.

Witnesses Who Swear that James was Not on the Train that was Robbed.

KANSAS CITY, Mo., Aug. 30.—A dispatch to the *Journal* from Gallatin, Mo., dated yesterday, says when the court in the Frank James trial met this afternoon, Mr. O'Neill was called and asked for an answer to the question put to him last evening regarding his newspaper interviews with Frank James. Witness then stated that he had given all the testimony in his possession regarding the acts of the defendant, but for proper reasons he could not answer the question as to whether James was present at the trial, as such persons would be placed in a false position, and the witness was bound by a pledge to withhold their names.

Mr. Wallace said that if the witness would say he had never heard any of the names of these persons connected with this affair, they would not insist on an answer.

Witness replied that he could not answer that question. The court took the matter under advisement.

Sherriff J. R. Tinsley testified to having kept a bay mare for Mr. Roberts for several days, about the time of the Winston robbery. The mare was then turned over to a man named Graham, who came and claimed her. The state here rested its case, and the defense asked the court to adjourn until the morning, in order to give them time to complete their opening address to the jury and gather their witnesses. This was granted and the court adjourned.

St. Louis, Mo., Aug. 30.—A special from Gallatin, Mo., says: "The line of defense in the Frank James trial was agreed upon at a consultation last night, and briefly stated is 'alibi and mistaken identity.' At the convening of the court this morning Mr. Brock made the opening statement for the defense. He dwelt at length upon Frank James's efforts to get away from the band; denied that Frank had left Kentucky, and claimed that there was a conspiracy between Dick Liddell, the Ford, and the Bostons.

Mr. Brosius, an attorney of Gallatin, who was on the train at Winston, was the first witness examined for the defense. He told of the entry of two men into the building car with a trunk. The larger of the two devoted himself to the conductor, and the smaller to the passengers. There was a cry of 'hands up!' The larger man shot the conductor. Witness held his hands up and looked startled. The cry of the smaller man, who was shooting through the car. Witness did not recognize the prisoner as one of the two men, and said 'he is not the man.'

On cross examination, Mr. Brosius could not describe the clothing of either man. He did not see three men—only two. The witness admitted that he was badly frightened and could not identify the robbers; yet he could swear to a man who was not there. To the best of his knowledge and belief, Frank James was not there. A rigid examination failed to shake the statement of the witness.

Fletcher Horn, a Nashville detective, testified that he knew the defendant as B. J. Woodson from the summer of 1877 until March, 1881, during a portion of which time he lived at what is known as the White Creek settlement. He was engaged in farming and hauling logs. He saw him at least once a week. During the whole time he considered himself like a gentleman and was hard working and industrious. The witness knew Dick Liddell as Smith and Jesse James as J. B. Howard, and believed he knew Cummings; but the defendant did not associate with them.

On cross examination, he said that Jesse James was engaged for a time in buying grain and then in horse raising. He owned the horse Jim Malone and one or two others. The whole party departed themselves properly while living there. Taylor's blacksmith shop was the defendant's headquarters during his visits to the city.

R. B. Sloan, of Nashville, an attorney, testified to an acquaintance with the defendant dating from the spring of 1877. He saw him in March, 1881, at that time the defendant wore whiskers all over his face. The acquaintance was only a casual one. The testimony of the witness related mainly to the details of Frank James's life in Nashville.

Mrs. Montgomery, who lives one and a half miles from Winston, testified that two men came to her house on the evening of the robbery, but to her best belief the defendant was not one of them.

Mission I. Montgomery, a daughter of the last witness, failed to identify the defendant as one of the men who ate supper at her mother's house.

John Dean, a farmer, testified to having been at the robbery. He saw two men come in a wagon to have something done to the vehicle. When the men went away Potts, who seemed very much excited, said, 'those are two men for whom I shot horses before the Winston robbery.'

Witness had a good look at the men, and was positive that the defendant was not one of them.

Jonas Potts visited Independence when Frank James was in jail. On his return the witness asked:

"Did you see Frank James?" "Yes," was the answer, "for the first time in my life."

Marion Duncan, a farmer, testified that Potts, the blacksmith, had said to him that he recognized the picture of Jesse James after he was killed as that of a man whose horse he had shot.

G. A. Chapman also testified to the same effect.

With a view of impeaching Dick Liddell's testimony the record of his conviction for horse stealing in Vernon county was offered in evidence.

A recess was then taken.

The presence of Dave Poole, an old guerrilla, and now a wealthy stockman of Texas, Allen Palmer, of Texas, Frank James's brother in law, and several other ranchmen, gives rise to the belief that an attempt will be made to prove an alibi.

At the afternoon session the first witness called was ten, Joseph Stuchly, who testified that one day in the fall of 1880, on returning from his camp field to his house, he found Jesse James, Jim Cummings, Bill Ryan, and Dick Liddell there. It was on this evening that Jesse stated that Dick Liddell had robbed the Concordia bank. At another time in the fall of 1881, Jesse James, one of the Hites, Jim Cummings, and Dick Liddell came to his house, and Jesse said Frank had been south for years, and his sister, Mary, had not seen him for two years. The witness knew Jim Cummings. "He had been in my house," the witness said, "a dozen times, and I knew him in the Confederate army. I have not seen Frank James since 1872. He was at that time living at my house, being doctor for wounds. I have not seen him since. He has not been at my house other than at the time I have referred to."

Witness admitted that Frank James's wife had visited him in 1881, with her little boy, and that he has known Frank James since 1882.

Madden, the Hunter, Writes a Card.

ARCHBOLD, KAN., Aug. 30.—H. J. Rice, manager of Herbert Slade, the pugilist, met William Madden, manager and trainer of Charley Mitchell, at the Union depot this evening and called him to account for certain letters purporting to have been written by William Madden to Richard K. Fox, of the *Police Gazette*, or anyone else. In refusal Madden signed the following letter:

Any publication purporting to be over my signature to any newspaper or newspaper publisher, except the *New York Clipper*, is fraudulent and a forgery. I have written nothing to Richard K. Fox, or anybody else, concerning the cowboys, ranchmen, or anybody else since being in Kansas, and we are not working upon the vigilantes of the people.

Herbert Slade is living quietly at Woodland Park. There has been no trouble, and none is anticipated.

Destroyed by Fire.

PETERSBURG, IND., Aug. 30.—For the third time within a year a disastrous fire has visited this place. It broke out yesterday, and destroyed the principal square, entailing a loss of \$60,000, on which there is an insurance of \$40,000. The principal losers are: Fagan & Adams, druggists; the *Press*, republican

newspaper; Miss Frank, millinery; Hammond & Parker, dry goods; Barrett & Son, dry goods; Edward B. Warr, drugs; the Cincinnati Star, books; P. C. Harrison & Son, dry goods; Billinger & Young, hardware; Moses Frank, dry goods, and H. C. Gordon, jewelry.

VINCENNES, IND., Aug. 30.—The Spring Lake ice house was burned to-day. It was owned mainly by Cincinnati men. The loss is \$100,000.

Killed with a Kick.

LITTLE ROCK, ARK., Aug. 30.—A special dispatch to the *Gazette* from Texarkana says that Cullen Morris was killed at a gravel pit on the Texas Pacific railway to-day by Conductor William Jansen. The man had a kick which resulted fatally. Ganson has been arrested.

The Constellation and Dale.

SPECIAL DISPATCH.

ANNAPOLIS, Aug. 31.—The sailors from the practice ships *Constellation* and *Dale* leave to-morrow for the New York navy yard. There is talk of sending both vessels to Norfolk for repairs.

St. George's Union.

TORONTO, ONT., Aug. 30.—At the convention of St. George's Union of North America this morning it was unanimously decided to hold the next annual convention at Chicago.

New Jersey Republicans.

TRENTON, N. J., Aug. 30.—A call was issued to-day for a republican state convention to be held in this city Sept. 18.

Base Ball.

At Philadelphia—

Base hits—	0	1	4	0	0	2	0	0	7
Errors—	2	1	2	0	0	1	1	1	8
Runs—	0	1	1	0	2	0	0	0	11
Home runs—	0	1	0	0	0	0	0	0	5

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	1
Errors—	2	0	0	0	1	1	1	0	5

At Pittsburgh—

Base hits—	0	0	0	1	0	0	0	0	4
Errors—	0	4	2	0	0	0	0	0	14

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Chicago—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Cincinnati—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At St. Louis—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At New York—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Boston—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Philadelphia—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Baltimore—

Base hits—	0	0	0	0	0	0	0	0	0
Errors—	0	0	0	0	0	0	0	0	0

At Pittsburgh—

Base hits—	0	
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